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Letter dated 8 May 2012 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities containing an account of the Committee's activities from 1 January to 31 December 2011 (see annex).

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Peter **Wittig**
Chair
Security Council Committee pursuant to
resolutions 1267 (1999) and 1989 (2011) concerning
Al-Qaida and associated individuals and entities

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Annex

Report of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

I. Introduction

1. The purpose of the present report is to provide a factual summary of the Committee's activities during the period from 1 January to 31 December 2011 in accordance with the transparency measures outlined by the President of the Security Council in his note of 29 March 1995 (S/1995/234). The previous annual report of the Committee was submitted on 31 December 2010 (S/2010/685, annex).

II. Background information

2. Following consultations among the members of the Security Council, the Council agreed to elect the Bureau of the Committee for 2011, which consisted of Ambassador Peter Wittig (Germany) as Chair, with the delegations of Brazil and the Russian Federation providing the two Vice-Chairs (see S/2011/2). The Committee was guided in the discharge of its mandate by Security Council resolution 1904 (2009), resolution 1989 (2011) and other relevant resolutions. The Committee also benefited in its work from the United Nations Global Counter-Terrorism Strategy (General Assembly resolution 60/288). The Committee was assisted by the New York-based Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) and most recently extended by resolution 1989 (2011) (hereinafter referred to as "the Monitoring Team"), which worked under the direction of the Committee.

3. With the adoption of resolution 1989 (2011) on 17 June 2011, the Security Council decided to change the scope of the Committee's mandate, focusing it exclusively on Al-Qaida and associated individuals and entities. In the light of this change in mandate, the Security Council decided on 30 June 2011 to change the name of the Committee to "Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities" (S/2011/2/Add.2).

4. In its resolutions 1988 (2011) and 1989 (2011), the Security Council also decided to split the former Al-Qaida/Taliban "Consolidated List". Since 17 June 2011, the Al-Qaida Sanctions List has therefore included only the names of "those individuals, groups, undertakings and entities associated with Al-Qaida" and the names of Taliban individuals, formerly included on the Consolidated List, have been transferred to the sanctions regime established pursuant to resolution 1988 (2011).

III. Summary of the activities of the Committee

5. During 2011, the Committee continued its proactive approach to discharging its mandate and enhanced its role in countering Al-Qaida-related terrorism. In February and October, the Committee approved its programmes of work, based on the requirements outlined in Security Council resolutions 1904 (2009) and 1989

(2011). The Committee also agreed to continuously update its programme of work to allow for flexibility and responsiveness in its work. Two formal meetings and 18 informal meetings were convened during the reporting period.

6. In 2011, building on the comprehensive review, completed in July 2010, of all names on the Consolidated List, conducted pursuant to paragraph 25 of resolution 1822 (2008), the Committee approved numerous updates of Al-Qaida Sanctions List entries and narrative summaries of reasons for listing, thereby further improving the quality of the List and narrative summaries. The Committee considered and approved updates to 195 list entries. The Committee has now made available the narrative summaries of reasons for listing of all individuals and entities on the Al-Qaida Sanctions List, and prioritized improving the quality of the List by considering updates based in large part on information gathered during the comprehensive review.

Adoption of the revised guidelines pursuant to resolution 1989 (2011)

7. In its resolution 1989 (2011), the Security Council directed the Committee to review its guidelines and to amend relevant sections to align them with the new provisions of the resolution. A number of sections have been amended substantially, including the sections on listing (section 6), delisting (section 7), and reviewing the Committee's Al-Qaida Sanctions List (section 10). The delisting section now also includes the new procedures for considering delisting requests submitted by designating States pursuant to paragraph 27 of resolution 1989 (2011) and delisting requests submitted through the Office of the Ombudsperson in accordance with paragraphs 21 to 23 of resolution 1989 (2011). The revised guidelines furthermore contain technical amendments introduced with a view to enhancing accuracy and consistency throughout the text.

8. The revised version of the guidelines, approved by the Committee on 30 November 2011, was made available on the Committee's website (www.un.org/sc/committees/1267) in the six official languages of the United Nations and transmitted to Member States by a note verbale from the Chair of the Committee (SCA/2/11 (29)).

Maintenance and dissemination of the Al-Qaida Sanctions List

9. Keeping the Al-Qaida Sanctions List of individuals and entities subject to sanctions measures as up-to-date and accurate as possible greatly promotes the effective and universal implementation of the sanctions measures by Member States. The Committee strives to ensure that the Al-Qaida Sanctions List is dynamic and responsive to the evolving threat posed by Al-Qaida.

10. In 2011, the Committee concluded its first specialized review of reportedly deceased individuals, pursuant to paragraph 26 of resolution 1904 (2009). In the course of the review process, the Committee reviewed 47 names on the List. As a result, four individuals have been delisted. An updated list of reportedly deceased individuals was submitted by the Monitoring Team in October 2011 and the appropriate follow-up action, including tailored letters to designating States, was approved by the Committee.

11. The Committee also concluded its first round of the six-monthly review of the Monitoring Team's Al-Qaida Sanctions List whose entries lack sufficient identifying

information for the effective implementation of the sanctions measures, and is currently engaged in reviewing the listings of entities that are reported to have ceased to exist.

12. These extensive review mechanisms will ensure that the list is as accurate and up-to-date as possible and reflects accurately the current threat.

13. In total, the Al-Qaida Sanctions List was updated 25 times in 2011. The Committee decided to add 12 individuals and two entities to the List over the course of the year. Changes were approved with regard to 195 existing entries on the List. During the reporting period, the Committee acceded to the delisting of 17 individuals and nine entities.

14. To promote rapid dissemination and effective implementation, the Committee continues to issue a press release, a note verbale and electronic notification to contact points at the permanent missions to the United Nations in New York and contact points in capitals following each update of the Al-Qaida Sanctions List. In accordance with paragraph 19 of resolution 1526 (2004), the Secretariat also continues to transmit a hard copy of the Al-Qaida Sanctions List on a quarterly basis for the convenience of Member States. During 2011, the List was transmitted on 4 April (SCA/2/11 (7)); 7 July (SCA/2/11 (17)); 30 September (SCA/2/11 (24)); and 30 December (SCA/2/11 (32)).

15. Pursuant to paragraphs 19 and 35 of resolution 1989 (2011), the Committee's secretariat notifies the permanent mission of the relevant country or countries regarding the listing or delisting of individuals or entities within three working days. The notifications include the country or countries where the individual or entity concerned is believed to be located and, in the case of individuals, the country of which the person is a national. The notifications remind relevant States that they are required to take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the individuals and entities concerned of the Committee's decision to add them to or remove them from the Al-Qaida Sanctions List, as well as to provide them with relevant information.

Exemptions to the sanctions measures

16. During the reporting period, the Committee, mindful that the Security Council had provided for exemptions to the assets freeze, including for humanitarian purposes, continued to consider notifications and requests for exemptions to the assets freeze submitted pursuant to paragraphs 1 (a) and 1 (b) of resolution 1452 (2002). The secretariat also maintained and regularly updated the list of States that have approached the Committee pursuant to the resolution. In 2011, the Committee received two notifications pursuant to paragraph 1 (a) of the resolution and one request pursuant to paragraph 1 (b). No negative decision was taken by the Committee with regard to the two notifications pursuant to paragraph 1 (a).

17. During the reporting period, the Committee received and approved one request for an exemption from the travel ban set out in paragraph 1 (b) of resolution 1989 (2011) and other relevant resolutions, pertaining to one listed individual.

Website of the Committee

18. The Committee continued to update its website, including by revising all relevant documents to reflect the adoption of resolution 1989 (2011) and the revision of the guidelines of the Committee. In addition, the website also provides updates on the status of delisting requests submitted through the Office of the Ombudsperson.

Implementation of the sanctions measures

19. During the reporting period, the Committee did not receive any additional reports from Member States pursuant to resolution 1455 (2003). However, the Committee received notes verbales from Member States and relevant entities within Member States informing the Committee about their implementation of changes made to the Al-Qaida Sanctions List.

20. The Committee also continued to receive requests from States seeking assistance from the Committee in confirming the identity of certain individuals or entities for the purpose of implementing the sanctions measures. The Committee assisted those States by providing additional information and by facilitating contacts between the State seeking clarification and the other relevant States that might be in a position to provide clarification.

Briefings by the Chair of the Committee to the Security Council

21. The Chair, together with the Chairs of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and of the Committee established pursuant to resolution 1540 (2004), gave two joint briefings to the Security Council in 2011, on 16 May (S/PV.6536) and 14 November (S/PV.6658). In his statements, given respectively pursuant to paragraph 46 of resolution 1904 (2009) and paragraph 55 of resolution 1989 (2011), the Chair informed the Council about the current and future activities of the Committee and the Monitoring Team. The briefings mainly focused on the nature of the current threat posed by Al-Qaida and the need to enhance implementation of the measures and the cooperation of the Committee with the Office of the Ombudsperson.

Dialogue with States and outreach

22. Pursuant to paragraph 55 of resolution 1989 (2011), the Chair of the Committee gave an open briefing to all interested Member States on 23 June 2011. At this briefing, the Chair explained the changes to the regime introduced in resolution 1989 (2011), in particular the enhanced mandate of the Ombudsperson. He also briefed Member States on the activities of the Committee, including updates to the Al-Qaida Sanctions List. The briefing included a question-and-answer session, which provided all Member States with an opportunity to raise questions and share comments with the Chair, as well as with the Monitoring Team and its Coordinator.

23. On 18 October, at its 44th meeting, the Committee met with the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, who had a constructive exchange of views with the Committee on issues related to the fairness and clearness of its procedures

and the implications of the split of the regime pursuant to the adoption of resolutions 1988 (2011) and 1989 (2011).

Cooperation with international and regional organizations and agencies

24. During the reporting period, the Committee also continued to develop its cooperation with international and regional organizations and agencies, often with the support of the Monitoring Team (see paras. 33 to 37 below).

25. The Committee has continued its cooperation with the International Criminal Police Organization (INTERPOL), including through the issuance of INTERPOL-Security Council special notices designed to alert relevant national law enforcement authorities responsible for sanctions implementation that individuals or entities are subject to Security Council sanctions measures. On 31 March 2011, the Committee approved new draft procedures for enhancing its cooperation with INTERPOL pursuant to the October 2009 Supplementary Arrangement to the Cooperation Agreement between INTERPOL and the United Nations in relation to peacekeeping operations and special political missions. These draft procedures, prepared jointly by the Secretariat of the United Nations and that of INTERPOL, provide for enhanced information exchange between the Committee, INTERPOL and the Monitoring Team.

Coordination with the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Committee established pursuant to resolution 1540 (2004) and their respective expert groups

26. On numerous occasions, the members of the Committee have highlighted the complementary functions of the Al-Qaida Sanctions Committee, the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Committee established pursuant to resolution 1540 (2004) in countering international terrorism and the need for coordination of activities and exchange of information between the three Committees. During the joint briefings to the Security Council on 16 May and 14 November, a common message on the cooperation and coordination among the Committees and their expert groups was read out on behalf of the three Chairs.

27. Cooperation among the three Committees is also greatly facilitated by certain coordinated activities carried out by the Monitoring Team, the Executive Directorate of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the experts who support the Committee established pursuant to resolution 1540 (2004). The activities are described in detail in paragraphs 34 to 35 below.

IV. Office of the Ombudsperson

28. In resolution 1989 (2011), the Council significantly enhanced the mandate of the Ombudsperson and provided for the Ombudsperson to present a recommendation to retain the listing or a recommendation that the Committee consider delisting. In cases where the Ombudsperson recommends delisting, the petitioner is removed from the Al-Qaida Sanctions List after 60 days, unless there is consensus in the Committee to retain the listing, or a member of the Committee requests a referral to the Security Council.

29. The Committee has adapted its guidelines and procedures in respect of the new provisions for delisting requests submitted through the Office of the Ombudsperson and has thereby ensured that all cases are dealt with in an expeditious and transparent manner.

30. During the reporting period, the Ombudsperson submitted 15 delisting requests to the Committee and presented eight comprehensive reports on the delisting requests.

31. The Committee acceded to the delisting requests of five individuals and six entities submitted through the Office of the Ombudsperson. One delisting request was denied by the Committee and one petitioner withdrew the request.

V. Monitoring Team

32. The Monitoring Team, whose mandate continues under resolution 1989 (2011) until 31 December 2012, submitted its annual programme of work in January and semi-annual travel plans in January and July, all of which were approved by the Committee. The Team continued its outreach and had visited 17 Member States by the end of the year. One of the trips, to Myanmar, was made jointly with the Executive Directorate of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, thereby bringing the total number of such joint trips to 18 in the six years since the two expert groups had started making them. The Team also participated in three workshops organized by the Executive Directorate in 2011, namely, in Nouakchott, Mauritania, in April; in Strasbourg, France, also in April; and in Nairobi in November. The Coordinator of the Team also participated with a member of the Chair's delegation at a meeting in Saint Petersburg, Russian Federation, in July 2011.

33. In April, the Monitoring Team held its 9th meeting for heads and deputy heads of intelligence and security services from Algeria, Morocco, Pakistan, Saudi Arabia, Tunisia and the United Arab Emirates. In May, it convened its 3rd meeting on South-East Asia, held in Jakarta with the security services of Indonesia, Malaysia, the Philippines, Singapore and Thailand. Such meetings continue to provide the Committee, through the Team's participation, with useful feedback and information as to what is happening on the ground, the changes in the threat from Al-Qaida and its associates and the practical difficulties of implementation.

34. The Monitoring Team maintained its close cooperation with international and regional organizations and participated in 32 international, regional and subregional meetings, including three in conjunction with its work under the Counter-Terrorism Implementation Task Force. In that regard, the Team increased its work with the Financial Action Task Force and regional bodies of a similar type, as well as with INTERPOL, the European Union, the African Centre for the Study and Research of Terrorism, the Eastern and Southern Africa Anti-Money Laundering Group, the Intergovernmental Action Group against Money Laundering in West Africa and the Committee of Legal Advisers on Public International Law of the Council of Europe. The participation of the Team in such meetings allowed its members to promote a better understanding of the sanctions regime and of the work of the Committee. In addition, the Team actively promoted the work of the Committee on listing and delisting, the review process and the new procedures mandated under resolution 1989 (2011), particularly after the split of the two Committees in June 2011.

35. Recognizing the particular need to coordinate its work with the Executive Directorate of the Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the expert group of the Committee established pursuant to resolution 1540 (2004), especially in areas of coordination with key international, regional and subregional organizations, the Team has, together with the experts of the Executive Directorate and expert group, continued to work together on a common strategy to engage with such organizations in a comprehensive way. This common strategy on international, regional and subregional organizations has been taken note of by all three Committees, and the three expert groups will in due course be submitting a modalities paper on how to move ahead with the common strategy.

36. With the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime as facilitator, the three expert groups participated in two workshops during the reporting period; the first was a workshop for Middle East States held in Doha in May for national officials involved in the implementation of relevant Security Council resolutions or responsible for writing reports to the three Committees, and the second was a symposium held in Vienna to discuss the way forward to strengthen the United Nations response to terrorism. The workshops continue to promote the common strategy to assist States that owe reports to the three Committees and have also proved to be useful forums not only for the three expert groups to highlight the complementary but distinct roles of the three Committees but also to provide information to participating officials on the current status of the work of each Committee.

37. The Monitoring Team continued to play an active role in the Counter-Terrorism Implementation Task Force established to coordinate United Nations system action in respect of its Global Counter-Terrorism Strategy, including by co-chairing the working group on countering the use of the Internet for terrorist purposes. The Team also continued to play a role in the working groups on countering the financing of terrorism; the protection of human rights while combating terrorism and border management; and conceiving and promoting several other projects within the context of the Global Strategy. The Team participated in three Task Force meetings during the reporting period, held in February in the United States of America, March in Tajikistan and July in Kazakhstan.

38. The Monitoring Team has deepened its interaction with INTERPOL in order to better assist the Committee's cooperation with that organization. In this regard, the Team continues to attend the annual General Assembly of INTERPOL, which was held in 2011 in Hanoi. Cooperation with INTERPOL has also been enhanced by the Team's participation as a trainer in two workshops organized by INTERPOL in Argentina and Malaysia for a total of 23 countries from Latin America and South and South-East Asia. The objective of the workshops was to provide training to national officials of targeted INTERPOL member countries, particularly officials of the National Central Bureau, on the INTERPOL tools and services that are available, including the INTERPOL-Security Council Special Notice, which would help them better understand and thereby assist in their countries' implementation of the Al-Qaida sanctions measures.

39. As mandated under paragraph (aa) of annex 1 to resolution 1989 (2011), the Team submitted a report on the linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of

resolution 1988 (2011). That report remains under the consideration of the Committee in the light of the different views on the report that have been expressed during discussions in the Committee.

40. In addition to submitting reports on its trips, the Team also provided feedback on a semi-annual basis to the Committee on the follow-up to the trips. During the reporting period, the Team provided its ninth feedback on 21 trips and its tenth feedback on 16 trips, as well as updates on the outstanding items discussed during previous feedback. To date, the Team has completed 371 follow-up items on its trips, with 16 items outstanding. The feedback serves as a useful reminder to allow the Committee to monitor outstanding follow-up action from the Team's trips and any necessary action on the issues raised during such trips.

41. The Team provided the Committee with draft narrative summaries of reasons for listing for all names on the Consolidated List, as required under paragraphs 13 of resolution 1822 (2008), 14 of resolution 1904 (2009) and 16 of resolution 1989 (2011). The Team has also continued to work with Member States to improve the quality of the Al-Qaida Sanctions List. Following the review of the 488 names on the previous Consolidated List, mandated under paragraph 25 of resolution 1822 (2008), the Team submitted 393 list updates, of which 366 have been approved. The list updates have provided many additional identifiers for the corresponding names on the List.

42. The Team continued its work with the Secretariat to develop a new format for the Al-Qaida Sanctions List, which will improve the presentation and dissemination of the List, facilitate more accurate identification of listed individuals and entities and provide hyperlinks to the narrative summaries of reasons for listing. The new format will take advantage of the enhanced information obtained as a result of the new standard form for listing, which was made available on the website of the Committee in 2010.

43. The Team provided the revised papers for the Committee's website that were necessitated by the split of the two Committees, including an updated information package on the work and mandate of the Al-Qaida Sanctions Committee. The Team has also provided the Committee with lists of names relevant to the four reviews mandated under resolution 1989 (2011), namely, entries that lack identifiers to ensure effective implementation of the measures (para. 37), reportedly deceased persons (para. 38), entities that are reported or confirmed to have ceased to exist (para. 39) and names that have not been reviewed in three or more years (the "triennial review") (para. 40). The Team continues to provide assistance to the Committee on the follow-up to the reviews.

VI. Current issues and future work of the Committee

44. The Committee will continue to devote great attention to the implementation of resolution 1989 (2011), in particular to the conduct of the various reviews foreseen in the resolution. These include the review of entries that lack identifiers to ensure effective implementation of the measures (para. 37), reportedly deceased individuals (para. 38), entities that are reported or confirmed to have ceased to exist (para. 39) and names that have not been reviewed in three or more years (the "triennial review") (para. 40).

45. The Committee approved the new format of the Al-Qaida Sanctions List in December 2011 and will continue to work towards making the necessary technical arrangements to implement the new format. In doing so, the Committee hopes to contribute to greater harmonization of United Nations sanctions lists in the interest of greater coherence and consistency across the United Nations system.

VII. Observations and conclusions

46. The sanctions measures imposed by the Security Council are an active response by the international community to the continued threat posed by Al-Qaida and its associates. Following the death of Usama bin Laden, the Committee continues to monitor and assess the changing nature of the threat posed by Al-Qaida and its associates and how that change affects the future work of the Committee.

47. The Committee recognizes that ensuring fair and clear procedures for placing individuals and entities on the Al-Qaida Sanctions List and for removing them, as well as for granting humanitarian exemptions, can help States to avoid and surmount challenges to their implementation of the sanctions measures. The enhanced mandate of the Ombudsperson further strengthens the due process afforded to listed individuals.

48. The Committee's continued commitment to reviewing and updating the list will be of great importance to ensure the credibility of the sanctions measures and enhance the capability of Member States to effectively implement the measures. The reviews thus help to make the Al-Qaida Sanctions List a dynamic, living document that responds better to the evolving and continued threat posed by Al-Qaida and associated individuals and entities.

49. The Committee continues to stand ready, with the support of the Monitoring Team, to assist States in their implementation of the sanctions measures.